

**NATURAL RESOURCE COMMISSION[571]**

**Adopted and Filed**

**Rule making related to storage of stand-up paddleboards**

The Natural Resource Commission hereby amends Chapter 16, “Docks and Other Structures on Public Waters,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 461A.4(1)“b.”

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 461A.4.

*Purpose and Summary*

These amendments change the definition of “boat hoist” or “lift” to exclude certain storage of stand-up paddleboards (SUPs). Currently, storage of any object meeting the rule’s broad definition of “watercraft” counts as a boat hoist or lift. This definition includes SUPs, which are often stored on docks in a manner not traditionally considered to be a boat hoist or lift, yet storage of SUPs must be counted as a boat hoist or lift under the existing definition. Dock permit holders are limited in the number of hoists or lifts they may have on their docks; excluding storage of SUPs from the definition of “boat hoist” or “lift” will allow for more flexibility to store SUPs near the water where they are used and will reduce the need for storage space elsewhere.

Another amendment to rule 571—16.1(461A,462A) clarifies the definition of “boat” by updating a reference to the Iowa Code regarding the definition of “watercraft.” The amendment to subrule 16.4(3) removes an outdated date reference.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 14, 2018, as **ARC 3626C**. A public hearing was held on March 7, 2018, at 1 p.m. in Conference Room 4E, Wallace State Office Building, Des Moines, Iowa. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Commission on April 12, 2018.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department of Natural Resources for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on June 13, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend rule **571—16.1(461A,462A)**, definitions of “Boat” and “Boat hoist,” as follows:

“Boat” means “watercraft” as defined in Iowa Code section ~~462A.2(41)~~ 462A.2.

“Boat hoist” or “lift” means a structure placed in the water or below the ordinary high-water mark for boat storage, including platforms for storage of personal watercraft. For the purposes of this chapter, a boat hoist that is designed to store multiple small vessels such as personal watercraft or one-person sailboats shall be treated as a single hoist. For the purposes of this chapter, storage of stand-up paddleboards on racks above the platform of a dock shall not be counted as a boat hoist or lift.

ITEM 2. Amend subrule 16.4(3) as follows:

**16.4(3) Procedures for issuance of Class I dock permits.** The owner of a standard dock eligible for a Class I permit under the criteria in 16.4(1) or a dock in an area specified in 16.4(2) shall ~~have until July 1, 2008, to~~ apply for a Class I dock permit on an application form supplied by the department. The applicant shall certify that the dock meets the criteria for a Class I permit. The department shall approve the application based on the applicant's certification and shall assign a permit number which may be a series of numbers or letters, or a combination of numbers and letters. The applicant shall be responsible for obtaining stickers with the permit numbers and letters, for attaching them to the end of the dock facing opposite from the shoreline, and for displaying the 911 address as provided in 16.3(5). Class I dock permits authorized by this rule may be issued for terms up to five years and shall be issued without administrative fee. A Class I dock permit shall be valid only while dock and hoists comply with the criteria for a Class I permit.

[Filed 4/20/18, effective 6/13/18]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/9/18.